

FILED

08 FEB 20 AM 11:22

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NUNC PRO TUNC

FEB 19 2008

1 Amos Cendali Jr

2 US Address

3 1112 Portola Av

4 Spring valley CA 91977

5 (619) 469-6045

6 Attorney, Informa Paupers.

BY: *g*

DEPUTY

7 **United States District Court**  
8 **Southern District of California**

9  
10 AMOS CENDALI JR

11 PLAINTIFF

12  
13 vs

14 TREX ENTERPRISES CORP

15 DEFENDANT  
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CASE NO. 07CV2323-LAB (NLS)

COMPLAINT, FILED 07 DEC 12 PM 12:23

TRIAL BY JURY DEMAND

AMENDING.

COMPLAINT, U.S.C 42 12101 CIVIL RIGHTS.

TITLE, RIGHT TO SUE FOR DISABILITY  
DISCRIMINATION.

& LONG TERM DISABILITY INSURANCE

CONTRACTUAL LEGAL OBLIGATION.

NOTICE, HEARING

DATE.

TIME.

DEP.

MOTION TO PROSECUTE, (1) & (2)

WILLFULLY COMMITTING VIOLATION

OF PUBLIC POLICY.

CIVIL CODE 51, 54 . U.S.C. 42. 12101 ADA 1990

ENTITLEMENT TO A JUDGEMENT, (3) & (4)

ENTITLEMENT TO RELIEF, (5)

DEMANDING REFERENCE LETTER.

DEMANDING, INJURY REPORT DOI: 11-20-200:

DEMAND \$1,000,000.00 MILLION.

1 On February 14 2008 Amos Cendali Jr, whent to the southern district court, tolled the clerk that  
 2 Amos Cendali jr was expecting approval or rejection for the forma peupers form that was filed with  
 3 the complaint package on Dic 12 2007 , ask if there was instructions mailed, the clerk tolled me yes, I ask :  
 4 tolled the clerk, I talk to the family member in spring valley several times in the 63 days, I whas whaiting  
 5 I contacted several times, they tolled me nothing from the southern district court ?  
 6 the clerk gave me this phone number (619) 557-5874 to talk to person and he will give me instructions.

7  
 8 on februrary 15 2008 Amos Cendali Jr called the and talk to the person and recommended the F.C.P. 60.  
 9 and simply explain to the Honorable Judge Larry Alan Burnssssss. what happand.

10  
 11 I hope you understand the delay.

12  
 13 The Dic 14 2008 order granting motion to proceed in forma Pauperis & dismissing complaint copy is not :  
 14 the 5 counts, the supporting evidance with the specific information & the 2 page, 5 count charging docum  
 15  
 16 Amos Cendali Jr is filling the same package, the same package copys will have Page numbers & will be  
 17 punched & dated.

18  
 19 Amos Cendali Jr, will amend only the front cover & additionally I am including the following documents

- 20 -- The Superior Court, Civil, Case History Cover, Page (6)
- 21 - Court Rullings, Page 7 to 24
- 22 - Additional information in the charging document, Pages (25) (26)
- 23 - Form, Decleration of service, Pages (27)
- 24 - Form, USM 285 Page (28)
- 25 - Form, Concent to proceed before a US Magistrate Judge & order of refrence. Page (29)
- 26 - Form, Supeona in Civil Case, Page (30)
- 27 - Items, (1) (2) (3) requested by the Honorable Judge Larry Alan Burns
- 28 after the defendant answers each specific count, (1) (2) (3) (4) (5) the court can go foward.

1. Plaintiff must explain why the Court has jurisdiction.

STATE OF CALIFORNIA - State and Consumer Services Agency

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1350 Front Street, Suite 3005, San Diego, CA 92101

(619) 645-2681 TTY (800) 700-2320 Fax (619) 645-2683

www.dfeh.ca.gov



March 11, 2005

AMOS AMITO CENDALI  
1112 PORTOLA AVENUE  
SPRING VALLEY, CA 91977

RE: E200405D0384-00-p  
CENDALI/TREX ENTERPRISES CORP.

Dear AMOS AMITO CENDALI:

Your complaint of discrimination (identified above) is on file with our office. According to the Fair Employment and Housing Act, the Department of Fair Employment and Housing (DFEH) must notify you of your right to request a right-to-sue notice which will authorize you to file a private lawsuit in a California Justice, Municipal or Superior Court on your own behalf. This letter is your notification of your right to request that notice.

No action is required by you unless you decide to request a right-to-sue notice. If you choose to exercise this option you must:

- 1) notify DFEH in writing of your intent; and
- 2) provide your own legal counsel; and
- 3) file your lawsuit within one year from receipt of the right-to-sue notice.

If you do request a right-to-sue, DFEH will discontinue its investigation and close your complaint. If you do not request a right-to-sue, DFEH will continue to process your complaint. A right-to-sue notice will then be issued upon conclusion of our investigation, or one year after your complaint was filed, whichever comes first.

If you do not wish to request a right-to-sue notice, you need not respond to this letter.

Sincerely,

*Belinda De La Cruz*

Belinda DeLa Cruz  
District Administrator

1. Plaintiff must explain why the Court has jurisdiction.

## CERTIFICATE OF COVERAGE

UNUM Life Insurance Company of America (referred to as UNUM) welcomes you as a client.

This is your certificate of coverage as long as you are eligible for coverage and you become insured. You will want to read it carefully and keep it in a safe place.

UNUM has written your certificate of coverage in plain English. However, a few terms and provisions are written as required by insurance law. If you have any questions about any of the terms and provisions, please consult UNUM's claims paying office. UNUM will assist you in any way to help you understand your benefits.

If the terms and provisions of the certificate of coverage (issued to you) are different from the policy (issued to the policyholder), the policy will govern. Your coverage may be cancelled or changed in whole or in part under the terms and provisions of the policy.

The policy is delivered in and is governed by the laws of the governing jurisdiction and to the extent applicable by the Employee Retirement Income Security Act of 1974 (ERISA) and any amendments. When making a benefit determination under the policy, UNUM has discretionary authority to determine your eligibility for benefits and to interpret the terms and provisions of the policy.

For purposes of effective dates and ending dates under the group policy, all days begin at 12:01 a.m. and end at 12:00 midnight at the Policyholder's address.

UNUM Life Insurance Company of America  
2211 Congress Street  
Portland, Maine 04122

1           2. Plaintiff must state plainly what claims he is making against Defendant.  
2           Specifically, he must explain what Defendant did or failed to do, and why he is entitled to be  
3           awarded \$1 million in damages as a result.  
4

5 The Defendant diverted from answering to the (5) count charges in the Superior Court  
6 Amos Cendali Jr Request the court for authorization approval to have the service of process  
7 an Order to Compel the Defendant Trex Enterprises Corp to Answer the Charging Document  
8 Pleading & Produce Documents in the Civil Supeona.& have the US Marshall or a person specially  
9 for that purpose, who shall make proof of service, the fee for processing the service can go the Lien..  
10

11 It is apropiate to allow defendant time to file an Answer to the 5 Counts Charges and for the Court to  
12 go foward from there.  
13

14 Amos Cendali jr, Request the Southern District Court Civil Dep, to Proceed Before A United States  
15 Magistrate Judge & Schedule a Hearing Date.  
16

17 Thank you for your attention.  
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22           Amos Cendali jr  
23           FORMA PAUPERIS.  
24  
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DATE 2-19-2008

1 Statement summarizing the case history  
2 in  
3 Superior court of the state of california  
4 of the county of san diego.  
5

6 The Following 17 Pages are the court Rullings  
7 From Date 1-24-2007 to Date 9-28-2007  
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NUMBER: GIC867339DATE OF HEARING: 01/26/07DEPT. 69

PAGE 2 OF 2

☒ TRIAL SETTING: 5-11-07 at 8:45 AM in Dept. 69☒ TRIAL DATE: 5-11-07 at 8:45 AM in Dept. 69ESTIMATED TRIAL LENGTH: 2 day(s) JURY DEMAND: Plaintiff Defendant Waived☒ TRIAL READINESS CONFERENCE: 4-27-07 at 11:00 AM in Dept. 69☐ SPECIAL SETTLEMENT CONFERENCE: at in Dept.

PURSUANT TO THE STIPULATION OF THE PARTIES.

☒ EXCHANGE OF EXPERTS:

The parties stipulate to dispense with the demand requirements of CCP 2034, and agree to exchange experts as follows:

1st exchange: 3-9-07 2nd exchange: 3-23-07

(All other provisions of CCP 2034 apply).

☐ ALL MOTIONS AND DISCOVERY, including but not limited to experts, judgment on the pleadings, leave to amend and bifurcation, must be completed and jury fees posted by: 4-11-07☐ TRANSFER TO ANOTHER COURT OR DISTRICT☐ Transfer to Court. ☐ Appeal period waived.☐ Plaintiff/Defendant is ordered to pay the fees and costs of transfer by☐ Case is reclassified as limited / general jurisdiction.☐ OSC why case should not be deemed limited / general jurisdiction set on

IN ADDITION TO THE ABOVE STIPULATION, IT IS FURTHER ORDERED:

☐ CONSOLIDATION/SEVERANCE/BIFURCATION☐ The case is consolidated with case Nos. . Lead case:☐ This case is ordered severed/bifurcated as to

07CV2323

an Order to Show Cause for failing to appear as noticed by the Court for today's proceeding.

The case is set for at in Dept.

☐ OSC WHY CASE SHOULD NOT BE DISMISSED☐ The Order to Show Cause is set for at in Dept.☐ OSC CONTINUED TO: at in Dept.OTHER: Second amended complaint due filed 15 days from  
today. Plaintiff does not wish to participate in any alternative  
dispute resolution.

IT IS SO ORDERED:

Dated: 01/26/07

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

CNC - NUMBER/ORDER OF THE COURT



SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

**FILED**  
APR 20 2007  
By: D. JELLISON, Deputy

Date: 04/20/2007

Time: 09:00:00 AM

Dept: C-69

Judicial Officer Presiding: Judge Jeffrey B. Barton

Clerk: Deborah Jellison

Bailiff/Court Attendant: Henry Whatley

ERM:

Reporter: Norma Jean Flores

Case Init. Date: 06/12/2006

Case Title: CENDALI vs TREX ENTERPRISES CORPORATION

Case No: GIC867339

Case Category: Civil - Unlimited

Case Type: Civil Rights

Event Type: Motion Hearing (Civil)

Moving Party: TREX ENTERPRISES CORPORATION

Causal Document & Date Filed: Motion - Other, 03/05/2007

**Appearances:**

AMOS JR CENDALI is present

STACEY JAMES is present for TREX ENTERPRISES CORPORATION

THIS BEING THE TIME PREVIOUSLY SET FOR DEFENDANT'S DEMURRER TO SECOND AMENDED COMPLAINT.

The Court hears arguments of plaintiff and counsel for defendant, Attorney James. Attorney James makes a request that plaintiff follow the proper method of service for her client and requests to continue the trial. Plaintiff, Amos Cendali, opposes the request to continue the trial and requests to have sanctions against Attorney James. The Court orders Mr. Cendali to serve any and all documents for the defendant on defendant's counsel, Attorney James. The Court denies plaintiff's request for sanctions as that issue is not before the Court at this time and was not included in the motion.

Attorney James informs the Court that defendant is willing to participate in a Settlement Conference. Upon the Court's inquiry Mr. Cendali is not interested in a Settlement Conference. The Court states for the record that the Trial and Trial Readiness Conference remain as set. The Trial is scheduled for August 10, 2007 at 8:45 am and the Trial Readiness Conference is set for August 3, 2007 at 11:00 am.

After hearing arguments of plaintiff and counsel for defendant:

The Court takes this matter under submission.

The Court will render a written ruling.

  
Judicial Officer Presiding: Judge Jeffrey B. Barton

Date: 04/20/2007

Dept: C-69

MINUTE ORDER

Page: 1

Calendar No.: 1868



SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

F I L E C

APR 24 2007

3v. 0. 0000000. 12345

Date: 04/24/2007

Time: 09:00:00 AM

Dept: C-69

Judicial Officer Presiding: Judge Jeffrey B. Barton

Clerk: Deborah J. Jettison

Bailiff/Court Attendant:

ERM;

Reporter:

Case Init. Date: 06/12/2006

Case No: GIC887339

Case Title: CENDALI vs TREX ENTERPRISES CORPORATION

Case Category: Civil - Unlimited

Case Type: Civil Rights

Event Type: Motion Hearing (Civil)

Moving Party: TREX ENTERPRISES CORPORATION

Causal Document & Date Filed: Motion - Other, 03/05/2007

Appearances:

FINAL RULING FOR HEARING ON APRIL 20, 2007

The Court, having taken the above-entitled matter under submission on 04/20/2007 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

On April 20, 2007, the Court heard oral argument on defendant Trex Enterprises Corporation's general and special unopposed Demurrer to plaintiff Amos Cendali's Second Amended Complaint (mislabelled as the First Amended Complaint). The Court vacates the tentative ruling of April 19, 2007, and Court enters the following order in its place:

Defendant Trex Enterprises Corporation's General and Special unopposed Demurrer to plaintiff Amos Cendali's Second Amended Complaint is sustained, without leave to amend. This is plaintiff's third attempt to state a valid cause of action, and yet plaintiff's Complaint remains uncertain and fails to state factual allegations to support each alleged claim. Although plaintiff asserted at the hearing that he has evidence to support his claims, he was unable to articulate what legal theory he is relying upon when requested. Plaintiff did not indicate with any specificity what allegations would be raised in the amended pleadings. The exhibits to the Second Amended Complaint support defendant's position that plaintiff should not be granted leave to file a Third Amended Complaint.

Although plaintiff has now shown that he filed a claim for discrimination with the Department of Fair Employment and Housing prior to filing this lawsuit, the claim itself references that he suffered a work related injury, with a doctor's note indicating restrictions, and that he was terminated. Plaintiff also references that there is a Worker's Compensation Appeal. Any cause of action based upon violations of workers compensation statutes is barred because the Workers' Compensation Appeals Board would have exclusive jurisdiction over his injuries.

Plaintiff's cause of action for falsification of medical records is uncertain because plaintiff does not allege that Trex had access to his medical information or how defendant may have improperly disclosed this information. There is no basis to support the allegations as the employer is not a medical provider.

////

////

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Date: 04/24/2007

MINUTE ORDER

Dept: C-69

Page 9

Calendar No.: 1868

Case Title: CENDALI vs TREX ENTERPRISES  
CORPORATION

Case No: GIC867339

Plaintiff also cites Civil Code sections 54.54 1, and 54.2 which prohibit discrimination against physically disabled persons in public accommodations. Plaintiff has not alleged that Trex is a place of public accommodation that has discriminated against him with respect to accessibility issues. Accordingly, the demurrer is sustained.

The Court vacates all other hearing dates on this case.

IT IS SO ORDERED.

JEFFREY B. BARTON  
Judge of the Superior Court

-ddj-

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SUPERIOR COURT OF CALIFORNIA  
SAN DIEGO COUNTY  
330 West Broadway  
San Diego 92101

ADDRESS SERVICE REQUESTED

REDCUT S11

AMOS JR CENDALI  
1112 PORTOLA AVE  
SPRING VALLEY, CA 91977

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 685-6146	<b>FOR COURT USE ONLY</b>
PLAINTIFF: AMOS JR CENDALI	
DEFENDANT: TREX ENTERPRISES CORPORATION	
SHORT TITLE: CENDALI VS TREX ENTERPRISES CORPORATION	April 24, 2007
<b>NOTICE OF DISMISSAL</b>	CASE NUMBER: GIC867339

Date: 04/24/2007

Judicial Officer: Jeffrey B. Barton

On court's own motion, case dismissed pursuant to the San Diego Rules.

Jury fees may be forfeited within 20 days of this notice. Section 631.3 of the California Code of Civil Procedure.

Clerk of the Court

By: \_\_\_\_\_, Deputy

## CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:

GIC887339

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/25/2007.

Clerk of the Court. By: \_\_\_\_\_, Deputy

STACEY JAMES  
501 W. BROADWAY, STE 900  
SAN DIEGO, CA 92101

AMOS JR CENDALI  
1112 PORTOLA AVE  
SPRING VALLEY, CA 91977

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Page: 2

07CV2323

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 333 West Broadway MAILING ADDRESS: 333 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Court TELEPHONE NUMBER: (619) 445-6116	<b>FOR COURT USE ONLY</b>  <div style="text-align: center;"> <b>F I L E D</b>  <small>CLERK OF SUPERIOR COURT</small>  <b>APR 24 2007</b> </div> April 24, 2007 By: D. JELLISON, Deputy  CASE NUMBER: GIC867339
PLAINTIFF: AMOS JR CENDALI	
DEFENDANT: TREX ENTERPRISES CORPORATION	
SHORT TITLE: CENDALI VS TREX ENTERPRISES CORPORATION	
<div style="text-align: center;"><b>NOTICE OF DISMISSAL</b></div>	

Date: 04/24/2007Judicial Officer: Jeffrey B. BartonOn court's own motion, case dismissed pursuant to the San Diego Rules.

Jury fees may be forfeited within 20 days of this notice. Section 631.3 of the California Code of Civil Procedure.

Clerk of the Court

By: DEBORAH JELLISON, Deputy

NOTICE OF DISMISSAL

Page: 1

07CV2323

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

Central  
330 West Broadway  
San Diego 92101

**SHORT TITLE: CENDALI VS TREX ENTERPRISES CORPORATION**

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**

**GJC867339**

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/25/2007.

Clerk of the Court, by: DEBORAH JELLISON, Deputy

STACEY JAMES  
501 W. BROADWAY, STE 900  
SAN DIEGO, CA 92101

AMOS JR CENDALI  
1112 PORTOLA AVE  
SPRING VALLEY, CA 91977

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

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**07CV2323**

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central  
330 W Broadway  
San Diego, CA 92101-3827

FILED

SHORT TITLE: CENDALI vs TREX ENTERPRISES CORPORATION

APR 25 2007

## CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:  
GIC867339

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/25/2007.

Clerk of the Court, by: DERORAH JELLISON, Deputy

STACEY JAMES  
501 W. BROADWAY, STE 900  
SAN DIEGO, CA 92101

AMOS JR CENDALI  
1112 PORTOLA AVE  
SPRING VALLEY, CA 91977

☐ Additional names and address attached.

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Page 1

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07CV2323

**Superior Court of California  
County of San Diego**

HALL OF JUSTICE  
330 WEST BROADWAY  
PO BOX 120128  
SAN DIEGO CA 92112-0128

DEPARTMENT 69  
(619) 685-6146

**KICKBACK FORM**

May 4, 2007

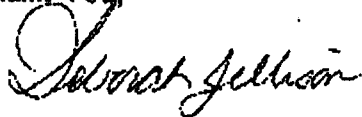
Amos Cendali, Jr.  
1112 Portola Avenue  
Spring Valley, CA 91977

Case Number: GIC 867339 Case Title: CENDALI vs. TREX ENTERPRISES, CORP

After review of the attached RIGHT TO SUE FOR DISABILITY DISCRIMINATION, we are unable to process the document(s) for the reason(s) indicated below:

1. This case was dismissed on April 24, 2007 with the Notice of Dismissal being sent to you on April 25<sup>th</sup>. A copy of the Notice is enclosed for your reference.
2. You may wish to seek legal advice on this matter. You can contact the San Diego Bar Association to request an attorney referable

Thank You,



Deborah Jellison  
Courtroom Clerk for Department 69  
(619) 685-6146



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☒ CENTRAL, P.O. BOX 120128, 330 W. BROADWAY, SAN DIEGO, CA 92112-0128, (619) 531-3141 (CIVIL) (619) 615-6358 (UNLAWFUL DETAINER)  
☐ KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA. 92123-1187, (858) 694-2066  
☐ NORTH COUNTY, 325 S. MELROSE DR., VISTA, CA 92081-8643, (760) 726-9595  
☐ EAST COUNTY, 250 E. MAIN ST., EL CAJON, CA 92020-3941, 619-441-4100  
☐ RAMONA, 1428 MONTECITO RD., RAMONA, CA 92085-5200, (760) 738-2435  
☐ SOUTH COUNTY, 500 3RD AVE., CHULA VISTA, CA 91910-5649, (619) 691-4430

CASE NUMBER: GIC867339

We are unable to process the attached Notice of Jury Fee Deposit for the reasons indicated below:

- ☒ \$ 150.00 fee is required for Initial Jury Fee Deposit.
- ☒ Case number is ☐ incorrect ☒ missing ☐ not this court's jurisdiction.
- ☐ Form is incomplete; see red X(s) / highlight.
- ☐ Document / Check is not ☐ dated ☐ signed.
- ☒ Original signature(s) are required.
- ☐ Submitted form is obsolete; use the most current revision attached.
- ☐ Documents are not legible. If not typed, forms must be legibly printed in black or blue-black ink. (CRC 201(c))
- ☐ Your pleading is not in compliance with CRC 201. Documents must be submitted on 8 1/2" X 11" paper and must be two-hole punched at the top.
- ☐ Each document filed by a fax filing agency shall contain the phrase "By fax" immediately below the title of the document. (CRC 2005(f))
- ☐ The first page of the pleading must specify immediately below the case number: the hearing date, time, department, name of the hearing judge if ascertainable, and trial date if assigned. (CRC 311(b))
- ☐ Summons must match the Complaint / Cross-complaint exactly.
- ☐ Complaint / Summons indicates another court location; file in appropriate court.
- ☐ In a Petition for Appointment of Guardian Ad Litem, if the minor is 14 years of age or older, the minor must be the petitioner or consent to the appointment of the Guardian Ad Litem. (CCP 373)
- ☐ Guardian Ad Litem cannot be a party to the action; absent a court order.
- ☐ A Petition for Appointment of Guardian Ad Litem must be filed at the same time as, and as a separate document from, the underlying complaint.
- ☒ Other: Case dismissed by Court 4-24-07

Please return this form when you resubmit your document(s) and enclose a self-addressed envelope large enough for all documents, stamped with sufficient postage.

CLERK OF THE SUPERIOR COURT

Date: MAY 18 2007

by: C. VAN PELT, Deputy

☐ Checks Returned

Returned to ☒ Plaintiff ☐ Defendant ☐ Attorney via: U.S. Mail

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <u>Amos Cendali Jr (propria persona)</u> <u>1112 portola av</u> <u>Spring valley ca 91977</u> TELEPHONE NO. <u>619 469 6045</u> FAX NO. <u>619 469 6045</u> ATTORNEY FOR (Name):		FILED CIVIL DIVISION SUPERIOR COURT SAN DIEGO COUNTY, CA CANCELLED APR 2 '08
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		
PLAINTIFF(S)/PETITIONER(S) <u>Amos Cendali Jr</u> DEFENDANT(S)/RESPONDENT(S) <u>TREX ENTERPRISES CORP</u> NOTICE OF JURY FEE DEPOSIT (CCP 631, San Diego Superior Court Rules, Division II, Rule 2.12)		JUDGE _____ DEPT. _____ CASE NUMBER _____

## NOTICE

TO: The above Court, the Clerk thereof, and all concerned parties:  
 The above-entitled case, having been set for trial on 5-11-07, in Department 69 at 8.45 a.m., the statutory fee, prescribed as and for first day's deposit for trial by jury, is tendered herewith on behalf of (Plaintiff)(Defendant) Amos Cendali Jr  
 (Full Name)

Parcel No. (s) (if appropriate) Lien case N GIC867339  
2 DAYS

Dated: 4-2-07 \_\_\_\_\_  
 (Signature of attorney)

## DECLARATION OF SERVICE BY MAIL

I declare that: I am over the age of 18 years and not a party to this case; I am employed in, or am a resident of the County where the mailing took place; and my residence or business address is:

US address 1112 portola av Spring valley ca 91977

I served the NOTICE OF JURY FEE DEPOSIT by placing a true copy in separate envelopes addressed to each addressee, respectively, as follows:

TREX Enterprises corp  
10455 pacific center court  
San Diego ca 92121

I then sealed each envelope and, with postage thereon fully prepaid, placed each for deposit in the United States Postal Service, on the date shown below at (City and State) San Diego ca

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Date: 4-2-07

Amos Cendali Jr  
 (Type or Print Name)/(Signature)

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
HALL OF JUSTICE**

**TENTATIVE RULINGS - August 23, 2007**

EVENT DATE: 08/24/2007      EVENT TIME: 09:00:00 AM      DEPT.: C-69  
JUDICIAL OFFICER: Jeffrey B. Barton  
CASE NO.: GIC867339  
CASE TITLE: CENDALI VS TREX ENTERPRISES CORPORATION  
CASE CATEGORY: Civil - Unlimited      CASE TYPE: Civil Rights  
EVENT TYPE: Motion Hearing (Civil)  
CAUSAL DOCUMENT/DATE FILED: Motion - Other, 08/14/2007

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**TENTATIVE RULING**

Plaintiff Amos Cendali's motion seeking prosecution for willfully committing violation of public is off calendar for failing to file a proof of service showing service on defendant Trex Enterprises Corporation.

Any party who wishes to orally argue the motion must appear on the date and at the time set for the hearing. Failure to appear shall be deemed a waiver of oral argument. If neither party appears at the scheduled hearing, this tentative ruling shall become the final order of the court on the date set for hearing.

IT IS SO ORDERED.



AO 85 (Rev. 10/97 December 11, 1997) Consent to Proceed

## United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

AMOS CENDALI JR

PLAINTIFF

v.

TREX ENTERPRISES CORP.

DEFENDANT

CONSENT TO PROCEED BEFORE A  
UNITED STATES MAGISTRATE  
JUDGE AND ORDER OF REFERENCE

CASE NUMBER:

### CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P. 73, the parties in this case hereby voluntarily waive their rights to proceed before a judge of the United States district court and consent to have a United States magistrate judge conduct any and all further proceedings in this case, including the trial, and enter the entry of a final judgment.

Plaintiff(s) Signatures

Date

Amos Cendali Jr

12-11-2007

Defendant(s) Signatures

Date

LETTER MENDELSON A PRO CORP, ON 12-11-2007  
STACY E. JAMES ATTORNEY AT LAW, ASSISTANT  
INDICATED SHE WILL NOT SIGN THE CONSENT  
TO PROCEED BEFORE A US MAGISTRATE JUDGE.

New Case #:

### ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case be referred to the Honorable \_\_\_\_\_  
United States Magistrate Judge, for all further proceedings and the entry of judgment in  
accordance with 28 U.S.C. 636(c), Fed.R.Civ.P. 73 and the foregoing consent of the parties.

Date

United States District Judge

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

**FILED**  
Superior Court

**MINUTE ORDER**

AUG 24 2007

Date: 08/24/2007

Time: 09:00:00 AM

Dept: C-69 By: D. JELLISON, Deputy

Judicial Officer Presiding: Judge Jeffrey B. Barton

Clerk: Deborah Jellison

Balliff/Court Attendant: Scot Parriott / Henry Whatley

ERM:

Reporter: Norma Jean Flores

Case Init. Date: 06/12/2008

Case Title: CENDALI vs TREX ENTERPRISES CORPORATION

Case No: GIC867339

Case Category: Civil - Unlimited

Case Type: Civil Rights

Event Type: Motion Hearing (Civil)

Moving Party: AMOS JR CENDALI

Causal Document & Date Filed: Motion - Other, 08/14/2007

**Appearances:**

AMOS JR CENDALI is present as Plaintiff

STACEY JAMES is present for TREX ENTERPRISES CORPORATION

**THIS BEING THE TIME PREVIOUSLY SET FOR ORAL ARGUMENT ON PLAINTIFF'S MOTION SEEKING PROSECUTION.**

The Court notes for the record that a Proof of Service of today's hearing was not filed but counsel for defendant is present in court. Mr. Cendali agrees with the tentative stating that he did not file the Proof of Service and requests to continue the hearing. Attorney James states that she was served with the documents and would like to go forward today but states that the Motion is unclear.

The Court finds that it is appropriate to allow defendant time to file an opposition and for the Court to go forward from there.

The Court continues this hearing to Friday, September 28, 2007 at 9:00 am in Department 69. The Court sets the following briefing schedule:

Opposition is due by August 31, 2007

Reply is due by September 14, 2007

Attorney James indicates for the record that she will accept service.

Motion Hearing (Civil) continued to 09/28/2007 at 09:00 AM.

  
Judicial Officer Presiding: Judge Jeffrey B. Barton

Date: 08/24/2007

Dept: C-69

MINUTE ORDER

Page: 1

Calendar No.: 14

07/01/2008

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AO88 (Rev. 12/06) Subpoena in a Civil Case

**Issued by the  
UNITED STATES DISTRICT COURT**

SOUTHERN

DISTRICT OF

CALIFORNIA

AMOS CENDALI JR

V.

TREX ENTERPRISES CORP

**SUBPOENA IN A CIVIL CASE**Case Number:<sup>1</sup>

TO: TREX ENTERPRISES CORP.

&  
SHEPPARD MULLIN  
RICHTER & HAMPTON LLP.

- ☒ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

-CHARGING DOCUMENT PAGES 1 & 2, ANSWER & PLEA, TO EACH SPECIFIC COUNT 1,2,3,4,5.  
-ONE ORIG, EMPLOYMENT REFERENCE LETTER, FOR AMOS CENDALI JR.  
-ONE COPY OF THE INJURY REPORT FOR DOI: 11-20-2003

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
HALL OF JUSTICE**

**TENTATIVE RULINGS - September 27, 2007**

EVENT DATE: 09/28/2007

EVENT TIME: 09:00:00 AM

DEPT.: C-69

JUDICIAL OFFICER: Jeffrey B. Barton

CASE NO.: GIC867339

CASE TITLE: CENDALI VS TREX ENTERPRISES CORPORATION

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Civil Rights

EVENT TYPE: Motion Hearing (CIVIL)

CAUSAL DOCUMENT/DATE FILED:

---

**TENTATIVE RULING**

Plaintiff Amos Cendali's motion seeking prosecution for willfully committing violation of public is off calendar. This entire case was dismissed on April 24, 2007, and the court is without jurisdiction to hear this motion.

Any party who wishes to orally argue the motion must appear on the date and at the time set for the hearing. Failure to appear shall be deemed a waiver of oral argument. If neither party appears at the scheduled hearing, this tentative ruling shall become the final order of the court on the date set for hearing.

**IT IS SO ORDERED.**

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

**F I L E D**  
Clerk of the Superior Court

SEP 28 2007

**MINUTE ORDER**

Date: 09/28/2007

Time: 09:00:00 AM

Dept: C-69

By: R. CERSOSIMO, Deputy

Judicial Officer Presiding: Judge Jeffrey B. Barton  
Clerk: Richard Jr Cersosimo, Patricia Burke-Jennings

Bailiff/Court Attendant: Henry Whatley

ERM:

Reporter: Linda Schaffer  
Case Init. Date: 06/12/2006  
Case No: GIC867339

Case Title: CENDALI vs TREX ENTERPRISES CORPORATION

Case Category: Civil - Unlimited Case Type: Civil Rights

Event Type: Motion Hearing (Civil)

**Appearances:**

AMOS JR CENDALI is present  
STACEY JAMES is present for TREX ENTERPRISES CORPORATION

This being the time previously set for oral argument on Plaintiff's Motion Seeking Prosecution.

The Court hears oral argument.

The Court CONFIRMS the tentative ruling as follows:

Plaintiff Amos Cendali's motion seeking prosecution for willfully committing violation of public is off calendar. This entire case was dismissed on April 24, 2007, and the court is without jurisdiction to hear this motion.

IT IS SO ORDERED.

Date: 09/28/2007  
Dept: C-69

MINUTE ORDER

Page: 1

Calendar No.: 45

07CV2323

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
OF THE COUNTY OF SAN DIEGO

San Diego County Superior Court 330 West Broadway SD 92101 .

Honorable Jeffrey B Barton.

Civil Dep 69

Case No. GIC867339

Date 9-28-2007

Event Type, Motion Hearing (Civil)

This beaing the time previosly set for oral argument on plaintiffs Motion Seeking Prosecution.

The Judge indicated he has no power or authority  
to the best of my recollection, Amos Cendali jr..



PAGE 1 of 2

SUMMURARY OF PROSECUTION CHARGES,

Count 1. Charge, Gov 12926.1 (e) & Civil Code 54 (b) (1) (c) & U.S.C 42. 102101

The willful failure knowing the legislature affirms the importance of the interactive process between the injured worker and the employer in determining a reasonable accommodation, as this requirement has been articulated by the Equal Employment Opportunity Commission in its interpretive guidance of the American with Disabilities Act of 1990.

(NOTE) The complaint whit the DEFH claim indicates to also charge whit the EEOC Mr Cendali J was not a where there suppost to be filed automaticly, EEOC & DEFH.

Count 2. Charge Civil Code 51.

(a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

All persons within the jurisdiction of this state are free and equal, and no matter what there Disavilit are entitled to the full and equal accommodations, advantages, facilities, privileges, services in all business establishments of every kind whatsoever.

(c) This section shall not be construed to confer any right, privilege on a person that is conditioned limitrd by law that is applicable alike to persons of every disavility.

(e) For porposes of this section: (1) (f)

Count 3. Charge Any person who alters or mofifies the medical record of any person, with fraudulent Intent, & who, with fraudulent intent, creates any false medical recored is subject to Criminal & Civi penaltys.

Trex Enterprises Corp 401 (K) Savings Plan, Summary Plan Description, Binds all Participants Employers, former Emplotees, and their Beneficiaries.

Unum Life Insurance of America, Income Protection Claim Form binds the employer & the physiciar including the employee.

PAGE 2 of 2

Count 4. Charge Any person who alters or modifies the medical record of any person, with fraudulent intent, & who, with fraudulent intent, creates any false medical record is subject to Criminal & Civil penalties.

Count 5..

Enforcing the unum life insurance of america portability policy contract.

INVESTIGATING AGENCY, The Department of Employment Fair & Housing.

Superciding Notification right to sue notice, (NOTE) Notice right to sue letter, not included.

Master remedies provided for violations of california civil code 51, 54, 42 U.S.C. 12101

Intitles Amos Cendali Jr, to recover for each offence for the actual damages and any amounts as may be determined by jury, or the court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000),

Certify, that changes have been made & additional Information is included & I declare under penalty of perjury under the law of the state of california that the foregoing is true & correct executed on 2-20-2008 at San Diego, California.

---

Amos Cendali Jr  
FORMA PAUPERIS.

DATE 2-19-2008

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

AMOS CENDALI JR

vs.

TREX ENTERPRISES CORP

Case No. \_\_\_\_\_

**DECLARATION OF SERVICE**Person Served:  
TREX ENTERPRISES CORP.

Date Served: \_\_\_\_\_

I, the undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above named person the following documents: Briefing on the Case, Civil Suppeona, Rep Pleading Motion to Prosecute Charging Document, Petition. in the following manner: (check one)

- 1) By personally delivering copies to the person served.
- 2) By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to ther person served at the place where the copies were left.
- 3) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.
- 4) By placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mail at  
on \_\_\_\_\_, 20\_\_\_\_\_.

Executed on \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

AMOS CENDALI JR

vs.

TREX ENTERPRISES CORP

Case No. \_\_\_\_\_

**DECLARATION OF SERVICE**

Person Served:

SHEPPARD MULLIN & HAMPTON LLP

Date Served: \_\_\_\_\_

I, the undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above named person the following documents:

Briefing of the Case, Civil Suppeona, Rep Pleading Motion to Prosecute Charging Document, Petition.  
in the following manner: (check one)

- 1) By personally delivering copies to the person served.
- 2) By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to ther person served at the place where the copies were left.
- 3) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.
- 4) By placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mail at  
on \_\_\_\_\_, 20\_\_\_\_\_.

Executed on \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_

U.S. Department of Justice  
United States Marshals Service

# PROCESS RECEIPT AND RETURN

See

PLAINTIFF Amos Cendali Jr	COURT CASE NUMBER
DEFENDANT Trex Enterprises Corp	TYPE OF PROCESS

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
TREX ENTERPRISES CORP.  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
10455 PACIFIC CENTER COURT. SAN DIEGO CA, 92121 (858) 646-5300

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

SHEPPARD MULLIN RITCHTER & HAMPTON LLP  
ATTORNEY AT LAW  
501 WEST BROADWAY 19TH FLOOR  
SAN DIEGO CA 92101  
(619) 338-6500

Number of process to be served with this Form 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Fold

Fold

The Honorable Jeffrey B. Barton.  
Civil Dep 69 Clerk: D JELLISON (619) 685-6146 Courtroom  
Filing Fees W. (Lien) Case No. GIC867339 A60534  
San Diego County Superior Court Hall of Justice, 330 West Broadway SD 92101

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER  
(619) 469-6045

DATE

12-12-2007

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ am ☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285  
Rev. 12/15/80  
Automated 01/00

29

AO88 (Rev. 12/06) Subpoena in a Civil Case

## PROOF OF SERVICE

X DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

## Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).



**PROOF OF SERVICE**

**DATE 2-19-2008**

**PLACE, State of California**

**SERVED**

**US. District Court, Southern District of California, Office of the Clerk**

**880 Front Street, Suite 4290, San Diego, CA 92101. (619) 557-5600**

**SERVED ON (PRINT NAME)**

**By Hand Delivery.**

**MANNER OF SERVICE**

**Amos Cendali jr**

**Plaintiff**

**SERVED BY (PRINT NAME)**

**TITLE**

**DECLARATION OF SERVER**

**I declare that additional information is included & under penalty of perjury under the laws of the United States of America that the forgoing information contained in the Proof of Service is true and correct.**

**Executed on**

**2-19-2008**

**DATE**

**SIGNATURE OF SERVER**

**1112 Portola Av, Spring Valley CA 91977, (619) 469-6045**

**US MAILING ADDRESS OF SERVER.**